



CONNECTICUT ASSOCIATION OF
REALTORS[®] INC.

OPPOSE SB 832: AAC the Protection of Inland Wetlands and Watercourses

Statement submitted to the Environment Committee
February 9, 2011

by Michael Barbaro
Vice-Chair Legislative/Political Affairs Committee

Good day. My name is Michael Barbaro and I'm speaking today on behalf of the Connecticut Association of REALTORS®. I serve as Vice Chairman of the Association's Legislative Committee. I'm also a member of the Greater New Haven Board of REALTORS®.

Quite simply, my message today is to respectfully urge you to reject Senate Bill No. 832: An Act Concerning the Protection of Inland Wetlands and Watercourses. The bill would dramatically expand the power that town commissions already have over inland wetlands and watercourses to a third area - - the "natural vegetation" outside and around these resources. Section 3 contains a ban on removing or destroying virtually any form of plant life (other than manicured grass) that is located within 100 feet of a wetland or watercourse. A new burden of proof is imposed on any landowner wishing to remove such vegetation in which he must demonstrate "no likely impact" on the wetland or watercourse.

The amount of new territory placed under the authority of the commissions would be enormous. For example, a 100 foot stretch of watercourse would create ½ acre belt of "natural vegetation protection." A six foot wide spot of wetlands would protect ¾ of an acre of "natural vegetation." Nothing could be cut, planted or built in this area without a wetlands application. A tree threatening to come down on a house would require a wetlands application and a permit in order to be removed. A tree that comes down across the yard in an ice storm would require a permit. Poison Ivy, poison sumac and other poisonous plants would require an application and permit in order to be removed.

The bill creates a favored regime for properties built prior to 1987. Those would be "as right" uses while properties built after 1987 would be subject to protecting "naturally occurring" vegetation.

-Continued-



The Voice for Real Estate™ in Connecticut

111 Founders Plaza, Suite 1101, East Hartford, CT 06108-3212
Tel: (860) 290-6601 | Toll Free: (800) 335-4862 | Fax: (860) 290-6615
www.ctrealtor.com

REALTORS® believe that existing Connecticut laws and regulatory programs provide abundant protection to our marshes, bogs, wetlands and other watercourses. We also believe that there is an erroneous perception by some that the Wetlands Agencies are the "underdogs" in disputes with property owners.

Section 4 of the bill undermines long-standing public policy that wetlands protection should be balanced with the need for economic growth found in Section 1 of Section 22a-36 of the statutes. It conveniently shuts out any consideration other than pure preservation with a "do not disturb sign."

Our Association also believes this bill is contrary to the principles of smart growth. Huge swaths of land will be off limits to sensible development that grows the grand list. Developers may be tempted to build only in outlying areas rather than contend with the restrictions where "in-fill" development would make better sense.

Thank you. Are there any questions?



The Voice for Real Estate™ in Connecticut

111 Founders Plaza, Suite 1101, East Hartford, CT 06108-3212
Tel: (860) 290-6601 | Toll Free: (800) 335-4862 | Fax: (860) 290-6615
www.ctrealtor.com